

City Council

Study Session Summary

August 22, 2017
Library Meeting Room, 951 Spruce Street
7:00 PM

The City Council met in a study session at 7:00 p.m. in the 1st Floor Meeting Room at the Louisville Public Library at 951 Spruce Street, Louisville, Colorado. The following persons were present:

City Council Present: Councilmember Jay Keany
Councilmember Susan Loo
Councilmember Dennis Maloney
Councilmember Ashley Stolzmann

Absent: Mayor Bob Muckle
Mayor Pro Tem Jeff Lipton
Councilmember Chris Leh

Staff Present: Interim City Manager Balser
Rob Zuccaro, Planning Director
Lisa Ritchie, Associate Planner
Sam Light, City Attorney

Call to Order – The meeting was called to order at 7:00 PM by Councilmember Keany.

Discussion – Telecommunications Ordinance Update

Director Zuccaro stated this is an introduction to the wireless code update. We need to bring the code into compliance with both Federal and State law. The current code does not have many allowances for new infrastructure, accommodating new technologies or encouraging new infrastructure.

Director Zuccaro reviewed the scope of work for the project.

New Federal requirements include an imposed “shot clock” for the review of applications that is much faster than our normal review process so that needs to be built into the process. We need to codify “minor modifications” to existing facilities and understand how that might affect current buildings and PUDs.

New State regulations deal more with small cell facilities. The new regulations say small cell facilities are use-by-right in all zoned districts. License agreements may be an option for facilities located in the right-of-way.

The current code is 20 years old and has had only a few amendments. A Special Review Use or PUD requirement is needed for most facilities and there are no right-of-way or public safety provisions.

Current code does not allow for freestanding structures, facilities and not allowed in residential zoned areas, but every district has an administrative option. We will need to decide if this administrative review is sufficient or needs to be updated.

Director Zuccaro asked Council for feedback on if we are happy with the current administrative process or do we want something more strict.

Councilmember Maloney noted the 2017 broadband ballot issue will affect this discussion and should be kept in mind for future options.

Councilmember Stolzmann stated we do have a lot of areas that lack coverage. We need to incentivize that as well as update the code.

Councilmember Loo noted the new rules may preclude a lot of City and public input which might frustrate residents.

Councilmember Maloney stated we probably shouldn't prohibit freestanding options in limited use if that is the only option in some locations.

Director Zuccaro stated the process will include public outreach to get input from residents and industry on any proposed changes.

Discussion – Open Government

City Attorney Light presented information on transparency and public participation. These are basic expectations of the citizens for meetings. Discussion included meeting rules of three or more Councilmembers discussing public business, quorum rules, and executive sessions. Policy discussions must all be held in a public meeting.

Members discussed what role members should take at a committee meeting on which they are not members.

Members discussed electronic communications and how they are covered by the open meetings law and the open records act. City Attorney Light noted ownership of the media is not the issue, the content of the record is.

Rules are interpreted on the side of openness and the formation of public business must be conducted in a public meeting.

City Attorney Light discussed how the law addresses non-meeting communications such as notes and work product. He addressed what constitutes a serial meeting and how to best avoid it.

Members discussed how best to deliberate with many voices but speak with one voice. They discussed how to encourage orderly public participation and a culture of civility to flow from the council down and how to maintain predictability and formality. Attendees should leave with the feeling the process was fair and all parties were heard.

Members discussed best practices for personal conduct during public meetings, including how it may impact the effectiveness of governing.

Members discussed how ethical issues affect public confidence in government and how our ethics code impacts meetings. This included conflicts of interest and how they are to be addressed in a meeting. Members also discussed ethics scenarios.

Advanced Agenda and Future Meeting Schedule

Members reviewed the advanced agenda.

Adjourn - The meeting adjourned at 10:05 PM

Submitted by Meredyth Muth
August 24, 2017